

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Group Art Unit 1637

In re

Patent Application of

Craig E. Smith, et al.

Application No. 10/041,890

Confirmation No.: 5555

Filed: January 7, 2002

Examiner: Calamita, Heather

"METHODS AND KITS FOR ISOLATING
BIOLOGICAL TARGET MATERIALS
USING SILICA MAGNETIC PARTICLES"

I, Leslie Lindsay Smith, hereby certify that this correspondence is being deposited with the US Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date of my signature.

Signature

Date of Signature

LR Smith
14 Sept. 2004

**TERMINAL DISCLAIMER TO OBVIATE DOUBLE PATENTING REJECTION
OVER A PRIOR PATENT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Promega Corporation, located at 2800 Woods Hollow Road, Madison, WI 53711 (hereinafter "Assignee"), by its undersigned attorney of record, represents that it is the owner of the entire interest in the above-identified application (hereinafter "said Application") by virtue of an assignment recorded April 11, 1997, at Reel 8453, Frames 0562. Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on said Application, beyond the expiration date of the full statutory term of U.S. Patent No. 6,027,945 (hereinafter "said U.S. Patent"). Assignee hereby agrees that any patent granted on said Application shall be enforceable only for and during such period that the legal title of the patent granted on said Application should be the same as the legal title to said U.S. Patent. This agreement shall run with any patent granted on said Application and be binding upon the grantee, its successors or assigns. In making the above disclaimer,

Assignee does not disclaim any terminal part of the patent granted on said Application prior to the expiration date of the full statutory term of said U.S. Patent, in the event that said U.S. Patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by reexamination certificate, is reissued, or is otherwise terminated prior to expiration of its statutory term.

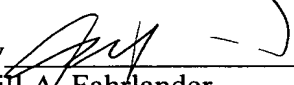
The undersigned is empowered to act on behalf of Assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date:

9/14/04

By


Jill A. Fahrlander
Reg. No. 42,518
Attorney of Record

Attorney Docket No.: 016026-9148-03

Michael Best & Friedrich LLP
One South Pinckney Street
P. O. Box 1806
Madison, WI 53701-1806

cc: Docketing